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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,116	02/19/2004	Christopher Townsend	23-0543	5390

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EXAMINER

NEWTON, JARED W

ART UNIT PAPER NUMBER

3634

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/782,116	Applicant(s) TOWNSEND, CHRISTOPHER	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final rejection is in reply to the remarks filed February 21, 2006, by which claims 1-3, 7, 8, and 13 were amended, and claims 16 and 17 were added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 13, 14, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent Application Publication No. 2002/0017770 A1 to Parrish.

In regard to claims 1 and 17, Parrish discloses a trailer rack 5 for storing hitch devices, said rack comprising a panel 20 for attachment to a wall 11a; a receiver hitch 22 extending outwardly from said panel, said receiver hitch 22 being adapted for coupling to the hitch device 18; and securing means 30 for securing the hitch device to said receiver hitch 22 (see FIG. 5). Parrish further shows at least two connection openings 86a-f formed in said panel, a first one of said connection openings 86d being positioned on an opposite side of the receiver hitch from a second one of the at least two connection openings 86e for permitting positioning the first of the at least two connection openings above the receiver hitch and the second of the at least two

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connection openings below the receiver hitch when the assembly is mounted on the wall (see FIG. 11).

In regard to claim 2, Parrish further discloses said securing means comprising aligned holes 22a and 22b extending through said receiver hitch 22, said aligned holes being complimentary to apertures 18a and 18b in the hitch device (see FIG. 13); and a securing pin 36 insertable through said aligned holes and apertures whereby the hitch device 22 is secured to the hitch receiver 18 (see FIG. 6). Parrish further shows said aligned holes formed on opposite sides of said receiver hitch, wherein said aligned holes are located on different sides of said receiver hitch from the opposite sides on which said at least two connection opening are located in said panel (see FIG. 10b).

In regard to claim 5, Parrish further discloses a locking mechanism 33 in the form of a locking nut (see FIG. 13); said mechanism selectively couplable to said securing pin 30 for inhibiting disengagement of said securing pin from said hitch receiver (see FIG. 13).

In regard to claims 13 and 14, Parrish further discloses a plurality of connection openings 86c-f (see FIG. 10b) extending through said panel whereby said panel is adapted for being attached to a wall 11a (see FIG. 4a) using connectors extending through said openings. Parrish further discloses said hitch receiver generally tubular, and having a generally rectangular cross section (see FIG. 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish as applied to claims 1,2,5, 13 and 14 above, and further in view of U.S. Patent Application Publication No. 2004/0156205 A1 to Piscioti.

In regard to claim 3, Parrish discloses a device according to claims 1 and 2 as advanced above, but does not disclose an L-shaped securing pin. Piscioti discloses a trailer hitch receiver adapted to receive and secure a trailer hitch member, wherein said securing means comprises an L-shaped securing pin 34 (see FIG. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the L-shaped securing pin as disclosed by Piscioti as the securing means of the device as disclosed by Parrish. The motivation would be to provide a quick and easily releasable securing means that contains a handle for a user to grasp when removing said means from said device.

In regard to claim 4, Parrish discloses a cotter pin 37 insertable through an end of said securing pin 36 for inhibiting disengagement of said securing pin from said hitch receiver (see FIG. 14).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish as applied to claims 1,2,5,13 and 14 above, and further in view of U.S. Patent No. 4,711,106 to Johnson.

Parrish discloses a device comprising all of the limitations of claim 5, but does not disclose said locking mechanism including a removable key for actuating said locking mechanism. Johnson discloses a locking device 10 for locking two or more pieces of equipment 58 and 59, apparatus, or objects together, such as a trailer to a towing hitch. Johnson further discloses said device comprising a removable key 16 for actuating said locking mechanism (see FIG. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the locking device as disclosed by Johnson in place of the securing pin 30 as disclosed by Parrish. The motivation would be to provide a means of securing said hitch device to said receiver device in a manner that prevents anyone except the possessor of said key from disengaging said devices. The inclusion of the locking means as disclosed by Johnson would be obvious as a means of theft prevention as is well known in the art.

In regard to claims 7-12, 15, and 16, the Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of the hitch devices as set forth in the above rejections. Claims 7-12 and 15 differ from claims 1-6 and 14 only by way of the recitation of claim 7, "A hitch device storage assembly for storing a *plurality of hitch devices...a plurality of spaced receiver hitches...*" The claim of using a plurality of devices does not carry patentable weight over the prior art rejections advanced above in light of the fact that it is well

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known and obvious to use more than one of said devices depending on the number of hitch devices one wishes to store. The inclusion of a plurality of devices does not bring any non-obvious or original merit to the claims. In a storage or display assembly, it would be obvious to one of ordinary skill in the art at the time of the invention to include a plurality of the above set forth devices in any spaced relation to each other, including a side-by-side orientation, a stacked orientation, or a diagonally aligned orientation.

Response to Arguments

The corrections to claim 2 are noted, and the objections are hereby withdrawn.

Applicant's arguments filed February 15, 2006 have been fully considered but they are not persuasive.

In regard to the inclusion of the claim recitation, "at least two connection openings formed through said panel, a first one of the at least two connection openings being positioned on an opposite side of the receiver hitch from a second one of the at least two connection openings for permitting positioning the first of the at least two connection openings above the receiver hitch and the second of the at least two connection openings below the receiver hitch when the assembly is mounted on the wall" (see Remarks, Page 7/9), the Examiner asserts that the Parrish reference does indeed set forth the original and added claim limitations. In particular, as shown in Figures 10a, 10b, and 11 to Parrish, a plurality of mounting openings 86a-f are shown. Opening 86d is disposed above the receiver hitch (as viewed in the Figures), and opening 86e is disposed below the receiver hitch. Thus, Parrish does set forth two

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connection openings disposed on opposite sides of each other, and also disposed on different sides of the receiver hitch than said aligned holes 22a and 22b, whereby said connection openings are aligned above and below said aligned holes.

In regard to the recitation, "opposite sides of a first one of said at least two receiver hitches are oriented substantially parallel to said opposite sides of a second one of said at least two spaced receiver hitches such that said opposite[[s]] sides of said receiver hitches are not oriented toward each other" (see Remarks, Page 8/9), the Examiner maintains that although neither Parrish, nor Johnson discloses a plurality of Hitch assemblies, it still would be obvious to one of ordinary skill in the art at the time of the invention to provide more than one hitch assembly to accommodate the storage and or display of a plurality of devices. The arrangement of said devices would further be an obvious choice based on aesthetic preference. *See In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies in the joint, and a plurality of "ribs" projecting outwardly from each side of the web into one of the adjacent concrete slabs. The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. A plurality of hitch devices, regardless of their arrangement, does not produce a new and

unexpected result that carries patentable weight and is not obvious over the Parrish and Parrish in view of Johnson references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

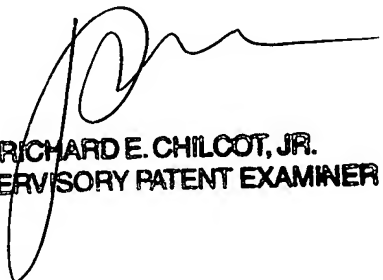
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jared W. Newton
March 23, 2006
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